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Department of  
Veterans Affairs

# Memorandum

Date: **FEB 11 2014**  
From: Executive in Charge and Chief Information Officer for Information and Technology (005)  
Subj: Release of Freedom of Information Act (FOIA) Information (VAIQ# 7441746)  
To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. This is an update to the Release of FOIA Information memorandum, dated 10/31/2013, regarding a review the Department is undertaking related to our FOIA processes. VA has one of the best track records for FOIA responsiveness with less than a 4% backlog which is the second best amongst agencies processing over 20,000 annual requests. However, it is important to occasionally review our processes to ensure that we can continue to improve our performance and responsiveness.
2. The "FOIA Processing Improvement Working Group" met the first week of December and focused on both short and long term improvements to our FOIA program. The short term plan will be implemented immediately while the longer plan will continue to be worked and will be reflected in revised guidance to be followed by all VA FOIA Officers. The designated FOIA Officers listed in the original memo were active participants in developing these plans. I look forward to their continued support and active engagement.
3. VA regulations (38 C.F.R. 1.555(c)) provide that when a FOIA Officer determines that the component maintains responsive records that either originated with another component, or which contain information provided by, or of **substantial interest to**, another component then the FOIA Officer will either:
  - (1) Respond to the request, after consulting with the component that originated or has a substantial interest in the records involved; or
  - (2) Refer the responsibility for responding to the request or portion of the request to the component best able to determine whether to disclose the relevant records, or to the agency that created or initially acquired the record as long as that agency is subject to the FOIA. Ordinarily, the component or agency that created or initially acquired the record will be presumed to be best able to make the disclosure assessment. The referring component shall document the referral and maintain a copy of the records that it refers.

4. While the team implements action plans, we will continue our long standing process of identifying incoming FOIA requests of substantial interest to the Office of the Secretary. This will alert leadership to potential follow-up inquiries that may be forthcoming.
5. Follow-up guidance will be forthcoming from the FOIA working group regarding what constitutes a FOIA request of substantial interest to the Office of the Secretary.
6. The Executive Secretary FOIA Officer will acknowledge receipt of a FOIA request of substantial interest in an approved summary format. The appropriate Administration or Program Office FOIA Officer will be notified if additional documentation describing the request is needed.
7. FOIA requests determined not to be of substantial interest to the Office of the Secretary will continue to be released by the FOIA Officer within the office having jurisdiction over the subject records to be released.
8. The results of the working group will be shared in the coming weeks to include an improved process to formally designate and train your FOIA Officers and FOIA Analysts. Thank you for your support as we continue to improve the FOIA release processes at VA.
9. For additional information or any questions, please contact John Buck at 202-632-7385; [john.buck1@va.gov](mailto:john.buck1@va.gov) or Jim Horan at 202-632-7453; [james.horan@va.gov](mailto:james.horan@va.gov).



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